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OFFICE OF PETITIONS

In re Application of :
Hideki Itaya et al :
Application No. 09/849,857 : DECISION ON PETITION
Filed: May 3, 2001 :
Attorney Docket No. HCDII785 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 21, 2007, to revive the above-identified application.


The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 5, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on August 8, 2006 (August 5, 2006, the due date, is a Saturday). A Notice of Abandonment was mailed on March 9, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a reply in the form of an amendment, (2) the petition fee of \$1,500, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the non-final Office action of May 5, 2006 is accepted as being unintentionally delayed.

This application is being referred to Technology Center AU 1743 for appropriate action in the normal course of business on the reply received March 21, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.


Frances Hicks
Petitions Examiner
Office of Petitions